IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Bail Appl..No. 6996 of 2006()

CRIME NO. 301/06 OF MUNNAR POLICE STATION

PETITIONERS:

1. BAIJU,
   RESIDING AT PATTARUMADATHIL VEEDU,PERUMBANKUTHU,
   MAKKULAM VILLAGE, DEVIKULAM.

2. ROY,
   RESIDING AT PATTARUMADATHIL VEEDU, PERUMBANKUTHU,
   MAKKULAM VILLAGE, DEVIKULAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.6996 of 2006

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DATED: 28-11-2006

O R D E R

Petitioners who are accused Nos. 1 and 2 in Crime No. 301/06 of Munnar Police Station for offences punishable under Secs. 308, 324, 323 read with Sec. 34 of I.P.C., seek anticipatory bail.

2. The occurrence took place on 7-11-2006 during the course of which the de facto complainant was allegedly hit by the petitioners with a stone wrapped in cloth.

3. The learned Public Prosecutor opposed the application.

4. The learned counsel for the petitioners submitted that the present crime was registered with a view to over up the earlier offence committed by the de facto complainant and others on 6-11-2006 for which the same police had registered a crime as Crime No. 313/06 pursuant to the private complaint filed by the first petitioner's wife alleging commission of offence punishable under Secs. 354, 452 and 456 I.P.C.

5. It is too early to conclude that the present crime was registered for escaping from the liability from the alleged incident forming the subject matter of Crime No. 313/06. Admittedly, the private complaint filed by the first petitioner's wife before the

Magistrate was on 8-11-2006 alleging that the incident occurred on 6-11-2006. It is too early to conclude that the present case is a counter blast of the alleged incident which occurred on 6-11-2006.

6. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not seek regular bail from the Magistrate concerned. If the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

With the above observation, this application is dismissed.

V.RAMKUMAR,
JUDGE.

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